

Rev 01/05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Caroline A. Genco et al.
 Application No. : 10/535,490
 Filed : May 18, 2005
 Confirmation No. : 3937
 For : IMMUNIZATION WITH PROPHYROMONAS GINGIVALIS
 PROTECTS AGAINST HEART DISEASE
 Attorney's Docket : BU-096XX

TC Art Unit: 1645

* * * * *

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Apr. 25, 2006

By: Holliday C. Heine
 Holliday C. Heine, Ph.D.
 Registration No. 34,346
 Attorney for Applicant

* * * * *

PETITION UNDER 37 C.F.R. §1.110(d) TO ACCORD A FILING DATE

Mail Stop PCT
 Attn: PCT Legal Office
 Commissioner for Patents
 P.O. Box 1450
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Sir:

A filing date of May 17, 2005 has been accorded the above patent application. The filing date should be May 18, 2005. Attached hereto is are copies of the Express Mail label (note circled portion for stamped date), WSGL mail log, and application transmittal form (signed and dated) showing that the "date in" was May 18, 2005. Accordingly, Applicant requests that the filing date be changed to May 18, 2005.

Also, under APPLICANT:

Frank C. Gibson, Jamaica, MA

Should read:

Frank C. Gibson, Jamaica Plain, MA

A copy of the Filing receipt with corrections written thereon is enclosed along with the above-mentioned copies.

Please correct the errors and issue a corrected Filing Receipt.

Respectfully submitted,

CAROLINE A. GENCO ET AL.

By: Holliday C. Heine

Holliday C. Heine, Ph.D.

Registration No. 34,346

Attorney for Applicant

WEINGARTEN, SCHURGIN,

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Boston, MA 02109

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HCH/dkh/335414.1

Enclosures

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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

BU-096XX

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US03/37013

INTERNATIONAL FILING DATE

November 18, 2003

PRIORITY DATE CLAIMED

November 18, 2002

TITLE OF INVENTION

IMMUNIZATION WITH PORPHYROMONAS GINGIVALIS PROTECTS AGAINST HEART DISEASE

APPLICANT(S) FOR DO/EO/US

Caroline A. Genco and Frank C. Gibson III

COPY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ had been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached herewith (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with PTO 1449 form and copy of PCT Search Report
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

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BU-096XX

The following fees have been submitted:

				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/>	Basic national fee.....		\$300.00	\$ 300.00	
22. <input checked="" type="checkbox"/>	Examination fee				
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)				\$ 200.00	
All other situations					
23. <input checked="" type="checkbox"/>	Search fee				
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100.00	
International Search Report prepared and provided to the Office.....				\$400.00	
All other situations.....				\$500.00	
TOTAL OF 21, 22 and 23 =				\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/ 50 =		X \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	13 - 20 =	0	X \$ 50.00	\$ 00.0	
Independent claims	3 - 3 =	0	X \$200.00	\$ 00.0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$ 360.00
TOTAL OF ABOVE CALCULATIONS =				\$ 960.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 480.00	
SUBTOTAL =				\$ 480.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 480.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 480.00	
				Amount to be Refunded:	\$
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- a. ☒ A check in the amount of \$480.00 to cover the above fees, except assignment recordation, is enclosed. A check in the amount of \$_____ is enclosed for the assignment recordation fee.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0804. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
 Ten Post Office Square
 Boston, Massachusetts 02109
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Attorney Signature: Holliday C. HeineDate: May 18, 2005

Attorney Name: Holliday C. Heine, Ph.D.
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Registration No: 34,346

21.12

May 18, 2005

CCDY

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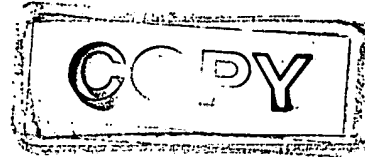
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CONFIRMATION NO. 3937

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OC000000017529422

Date Mailed: 12/07/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Caroline A Genco, Brookline, MA;
Frank C Gibson, Jamaica, MA;

Jamaica Plain

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Power of Attorney: The patent practitioners associated with Customer Number 207.

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/37013 11/18/2003
which claims benefit of 60/427,318 11/18/2002

Foreign Applications

Amend - d.
8/10/05

Projected Publication Date: 03/09/2006

Non-Publication Request: No

SF.
5/18/06
J.

Early Publication Request: No

**** SMALL ENTITY ****

Title

Immunization with porphyromonas gingivalis protects against heart disease

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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